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Corporation (erroneously sued as Lockheed
Martin Missiles and Space Company, Inc.) and

E-filed 1/4/05

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

FRANK MILLER,
Plaintiff,
v.
LOCKHEED MARTIN MISSILES AND
SPACE COMPANY, INC. and JAMES
PESTANA,
Defendants.

} Case No. C04-00399 JF

} **STIPULATION OF DISMISSAL OF**

} **ACTION**

} [Fed.R.Civ.P. 41(a)(1)]

IT IS HEREBY STIPULATED by and between the parties to this action through their designated counsel that the above-captioned action be and hereby is dismissed with prejudice as to all defendants pursuant to Fed. R. Civ. Proc. 41(a)(1).

IT IS SO STIPULATED.

Dated: December 20, 2004

By: /s/
Elizabeth Kristen
Counsel for Plaintiff

Dated: December 20, 2004

By: _____ /s/
Thomas M. McInerney
Counsel for Defendants

1 Pursuant to General Order No. 45 X. (B), I attest that concurrence in the filing of this document
2 has been obtained from Defendants' counsel.

3 Dated: December 20, 2004

4 Patricia A. Shiu
5 Claudia Center
6 Elizabeth Kristen
7 THE LEGAL AID SOCIETY
8 EMPLOYMENT LAW CENTER

9 By: /s/
10 Elizabeth Kristen

11 Attorney for Plaintiff
12 FRANK MILLER

13 1/3/05 IT IS SO ORDERED.

14
15 /s/electronic signature authorized
16 Judge Jeremy Fogel
17 United States District Court